



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,942	01/30/2001	Chi Yoshige Nakazawa	249-161	9698

23117 7590 07/15/2003

NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

EXAMINER

NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
----------	--------------

2863

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/771,942

Applicant(s)

NAKAZAWA ET AL.

Examiner

Michael P Nghiem

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2003 and 19 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-34 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-42 is/are allowed.
- 6) ☒ Claim(s) 22-24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 25, 28-34 and 36-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s): _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

The Amendment filed on May 21, 2003 has been acknowledged.

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 19, 2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (US 4,855,762).

Art Unit: 2863

Suzuki discloses all the claimed features of the invention including:

- an ink cartridge (Fig. 3) comprising:

- a cartridge main body (2) having a first case (case containing 10) and a second case (case containing 9) joined to the first case (Fig. 3);

- first and second ink bags (9, 10) each comprising a bag main body (bag bodies of 9, 10) storing ink and an outlet (outlet of 5) through which the ink can be discharged from the bag main body, the first and second ink bags being housed by the first case and the second case (Fig. 3), wherein when the first case and the second case are joined, the outlets of the first and second ink bags are pressed directly against each other by the first case and the second case (5's are pressed directly against each other, Fig. 3);

- the first case comprises a bottom plate portion (bottom wall of 2) and a side plate portion (side walls of 2), the first case having an opening (opening of first case housing bags 8-10, Fig. 3) on a top thereof for housing the first and second ink bags (Fig. 3), and wherein the second case covers the opening of the first case (second case covers first case, Fig. 3);

- a partition plate (7) attached to a predetermined position of the first case, said partition plate separating compartments housing the first ink bag and the second ink bag respectively (Fig. 3);

- each of the first case and the second case comprises an ink outlet clamp face (5) such that the ink outlets are clamped by the ink outlet clamp faces (5) for defining

Art Unit: 2863

the positions of the ink outlets, and wherein at least one of the ink outlet clamp faces is elastically displaceable (rubber).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Tazaki (US 4,695,824).

Suzuki does not disclose a waste-ink holding member for storing waste ink poured therein from the outside thereof, said waste-ink holding member attached to the second case.

Nevertheless, Tazaki discloses a waste-ink holding member (4) attached to the second case (Fig. 2) for the purpose of storing waste ink poured therein from the outside thereof.

Art Unit: 2863

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Suzuki with a waste-ink holding member attached to the second case as disclosed by Tazaki for the purpose of storing waste ink.

Allowable Subject Matter

4. Claims 25, 28-34, and 36-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 40-42 are allowed.

Reasons For Allowance

6. The combination as claimed wherein an ink cartridge having each of the ink outlets comprising a contact portion in contact with each other and a clamp portion clamping the partition plate with one another (claim 28) or a first detection plate attached to the first ink bag (claim 29) or a joint mechanism for detachably joining the first ink cartridge and the second ink cartridge (claims 30, 40) or the waste-ink holding member is placed in the cartridge having the smallest value resulting from dividing a volume of ink in the ink bag housed in each ink cartridge by the number of nozzles of

Art Unit: 2863

the ink nozzle group corresponding to the ink bag (claim 41) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

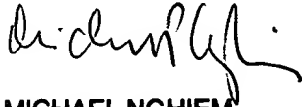
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Application/Control Number: 09/771,942

Page 7

Art Unit: 2863

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

July 8, 2003